

REMARKS

Claims 1 and 11 are amended by this paper. Claims 2-10 are unchanged. Claims 1-11 are pending in the application. Reconsideration and allowance of the claims in light of the present remarks is respectfully requested.

The amendments of Claims 1 and 11 are made at the request of the Examiner for clarification purposes, and are not intended to avoid prior art or to be narrowing. Although, an input signal, a source and a filter are introduced in the preambles of Claims 1 and 11, Applicant has amended the body of each of Claims 1 and 11 to introduce the input signal, source and filter.

Discussion of the Rejection under 35 U.S.C. § 102(b)

Claims 1 and 11 have been rejected under 35 U.S.C. 102(b) as being anticipated by Schell et al. (U.S. Patent No. 6,069,857). Claims 1 and 11 have been rejected under 35 U.S.C. 102(b) as being anticipated by Bozkurt et al., Mixed Phase Speech Modeling and Formant Estimation Using Differential Phase. Claims 1 and 11 have been rejected under 35 U.S.C. 102(b) as being anticipated by Reddy et al., High-Resolution Formant Extraction from Linear prediction Phase Spectra.

To Anticipate a Claim, the Reference Must Teach Every Element of the Claim

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Analysis

Reddy et al.

The Office Action identifies the Abstract of the Reddy reference as teaching each and every feature of Claims 1 and 11. The Reddy reference does not teach every feature of the independent Claims 1 and 11. Applicant's Claim 1 (and similarly for Claim 11) recites in

pertinent part: “determining the Z-transform of an input signal”. Applicant’s Claim 1 (and similarly for Claim 11) further recites in pertinent part: “calculating the differential-phase spectrum of said Z-transformed input signal” and “detecting the peaks on said differential-phase spectrum”.

Claims 1 and 11 are not anticipated by Reddy. Reddy discloses an algorithm to extract formant information from linear prediction (LP) spectra. Equation 1, for example, shows how the LP analysis computes the coefficients of the autoregressive (AR) model. All further spectral processing operations are performed on AR speech model. For example, Reddy does not disclose determining the Z-transform of the input signal itself. To the contrary, the Reddy reference discusses the calculation of the coefficients of an autoregressive (AR) model given by a Z-transform. Consequently, the Reddy reference does not disclose at least either calculating the differential-phase spectrum or detecting the peaks of said spectrum. Therefore, the Reddy reference does not anticipate Claims 1 and 11.

Bozkurt et al.

Before Bozkurt, et al, was published, a substantially similar paper was part of the provisional application filed on August 11, 2003. The paper became public on August 27, 2003 within the one year grace period from the PCT application filing date of August 11, 2004. Therefore, the Bozkurt paper cannot be used to anticipate Claims 1 and 11 under §102(b). Furthermore, it is to be noted that this paper was published shortly after the priority date of the application, which is August 11, 2003, and thus, cannot be prior art under §102(a).

Schell et al.

The Office Action identifies Fig. 124 of the Schell reference as teaching each and every feature of Claims 1 and 11. The Schell reference does not teach every feature of the independent Claims 1 and 11. Applicant’s Claim 1 (and similarly for Claim 11) recites in pertinent part: “determining the Z-transform of an input signal; calculating the differential-phase spectrum of said Z-transformed input signal”.

Claims 1 and 11 are not anticipated by Schell. The Schell disclosure relates to an optical disc system having improved circuitry for performing a blank sector check on a readable disc.

Application No.: 10/568,150
Serial No.: February 10, 2006

For example, the Schell reference does not at all show determining the Z-transform of the input signal and subsequently calculating the differential-phase spectrum of the Z-transformed input signal. Also the following elements of the method are not disclosed by Schell. Therefore, the Schell reference does not anticipate Claims 1 and 11.

Dependent Claims

Although Applicant has not addressed all the issues of the dependent claims, Applicant respectfully submits that Applicant does not necessarily agree with the characterization and assessments of the dependent claims made by the Examiner, and Applicant believes that each claim is patentable on its own merits. The dependent claims are dependent either directly or indirectly on one of the above-discussed independent claims. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompt allowance of the claims.

CONCLUSION

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections are specifically requested. Applicant respectfully submits that the claims of the above-identified application are in condition for allowance. However, if the Examiner finds any impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Application No.: 10/568,150
Serial No.: February 10, 2006

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 11, 2007

By: Raimond J. Salenieks
Raimond J. Salenieks
Registration No. 37,924
Agent of Record
Customer No. 20,995
(619) 235-8550

4240294
090707